

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

WHITE PLAINS HEALTHCARE PROPERTIES I, LLC,  
Plaintiff,  
- against -

HBL SNF, LLC, LIZER JOZEFOVIC A/K/A LIZER  
JOZOFOVIC and MARK NEUMAN,  
Defendants and Third-Party Plaintiff,  
- against -

CCC EQUITIES, LLC, PROJECT EQUITY  
CONSULTING, THE CONGRESS COMPANIES,  
HOWARD FENSTERMAN, and WILLIAM  
NICHOLSON,  
Third-Party Defendants.

LIZER JOZEFOVIC,  
Plaintiff,  
- against -  
WHITE PLAINS HEALTHCARE PROPERTIES I, LLC,  
HOWARD FENSTERMAN, and METROPOLITAN  
COMMERCIAL BANK,  
Defendants.

Removed from the Supreme  
Court of the State of New York,  
Westchester County

Adv. Proc. No. 21-07096 (SHL)

**DECLARATION OF NELIDA  
LARA IN OPPOSITION TO  
MOTION TO AMEND AND  
FOR DECLARATORY  
JUDGMENT**

Pursuant to 28 U.S.C. section 1746, Nelida Lara declares as follows:

1. I am a partner at the law firm of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, lead counsel for White Plains Healthcare Properties I, LLC (“WPH Properties”), CCC Equities, LLC, Project Equity Consulting, The Congress Companies, Howard Fensterman and William Nicholson in the above referenced consolidated actions.

2. I submit this declaration in opposition to the motion of Defendants HBL SNF, LLC

(“HBL”), Lizer Jozefovic a/k/a Lizer Jozofovic (“Jozefovic”) and Mark Neuman (“Neuman”) (collectively, the Defendants) filed in Westchester County, Supreme Court, on October 25, 2021 for an order pursuant to CPLR § 3025(b) granting Defendants leave to amend its answer and declaratory judgment pursuant to CPLR § 3001. (State Court Index No. 60278/2020, Motion #8, see NYSCEF Doc. #s 262 to 271).

3. On August 19, 2021, WPH Properties filed a motion for summary judgment (State Court Index No. 60278/2020, Motion #6; see NYSCEF Doc. #s 183 to 230 and 236 to 255). The reply memorandum of law and supporting reply declarations with exhibits filed in connection with the summary judgment motion describe in detail HBL’s defaults and the reply documents are incorporated to this motion as Exhibits 1, 2, 3 and 4 for the Court’s reference.

4. Annexed as **Exhibit 1** is the Reply Declaration of Alfred E. Donnellan dated November 5, 2021 with corresponding Exhibits A through C.

5. Annexed as **Exhibit 2** is the Reply Declaration of Edward O. Tabor dated November 5, 2021.

6. Annexed as **Exhibit 3** is the Reply Declaration of William A. Nicholson dated November 5, 2021.

7. Annexed as **Exhibit 4** is the Reply Memorandum of Law in by Plaintiff and Third-Party Defendants in Further Support of Their Motion for Summary Judgment dated November 5, 2021.

8. Annexed as **Exhibit 5** is the Amended and Restated Operating Lease dated as of November 19, 2015.

I hereby declare that the information contained in this declaration is true and correct.

Dated: White Plains, New York  
November 19, 2021

  
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Nelida Lara